

IC 22-4-12

Chapter 12. Benefits Schedule

IC 22-4-12-1

Eligibility; payment; death

Sec. 1. Benefits designated as unemployment compensation benefits shall become payable from the fund to any individual who is or becomes unemployed and eligible for benefits under the terms of this article. All benefits shall be paid through employment offices maintained and operated by this state or such other agencies as the board by rule may designate at such times and in such manner as the board may prescribe; provided, that the board may prescribe rules to provide for the payment of benefits due and payable on executed vouchers to persons since deceased; benefits so due and payable may be paid to the legal representative, dependents, or next of kin of the deceased as are found to be entitled thereto, which rules need not conform with the laws of the state governing decedent estates, and every such payment shall be deemed a valid payment to the same extent as if made to the legal representative of the deceased.

(Formerly: Acts 1947, c.208, s.1201.) As amended by P.L.144-1986, SEC.101.

IC 22-4-12-2

Rates; dependents; partially unemployed persons

Sec. 2. (a) With respect to initial claims filed for any week beginning on and after July 6, 1980, and before July 7, 1985, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of four and three-tenths percent (4.3%) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest. However, the weekly benefit amount may not exceed:

- (1) eighty-four dollars (\$84) if the eligible and qualified individual has no dependents;
- (2) ninety-nine dollars (\$99) if the eligible and qualified individual has one (1) dependent;
- (3) one hundred thirteen dollars (\$113) if the eligible and qualified individual has two (2) dependents;
- (4) one hundred twenty-eight dollars (\$128) if the eligible and qualified individual has three (3) dependents; or
- (5) one hundred forty-one dollars (\$141) if the eligible and qualified individual has four (4) or more dependents.

With respect to initial claims filed for any week beginning on and after July 7, 1985, and before July 6, 1986, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of four and three-tenths percent (4.3%) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

However, the weekly benefit amount may not exceed:

- (1) ninety dollars (\$90) if the eligible and qualified individual has no dependents;
- (2) one hundred six dollars (\$106) if the eligible and qualified individual has one (1) dependent;
- (3) one hundred twenty-one dollars (\$121) if the eligible and qualified individual has two (2) dependents;
- (4) one hundred thirty-seven dollars (\$137) if the eligible and qualified individual has three (3) dependents; or
- (5) one hundred fifty-one dollars (\$151) if the eligible and qualified individual has four (4) or more dependents.

With respect to initial claims filed for any week beginning on and after July 6, 1986, and before July 7, 1991, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of four and three-tenths percent (4.3%) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

However, the weekly benefit amount may not exceed:

- (1) ninety-six dollars (\$96) if the eligible and qualified individual has no dependents;
- (2) one hundred thirteen dollars (\$113) if the eligible and qualified individual has one (1) dependent;
- (3) one hundred twenty-nine dollars (\$129) if the eligible and qualified individual has two (2) dependents;
- (4) one hundred forty-seven dollars (\$147) if the eligible and qualified individual has three (3) dependents; or
- (5) one hundred sixty-one dollars (\$161) if the eligible and qualified individual has four (4) or more dependents.

With respect to initial claims filed for any week beginning on and after July 7, 1991, benefits shall be paid in accordance with subsections (d) through (k).

For the purpose of this subsection and subsections (e) through (g), the term "dependent" means lawful husband or wife, natural child, adopted child, stepchild, if such stepchild is not receiving aid to dependent children under the welfare program, or child placed in the claimant's home for adoption by an authorized placement agency or a court of law, provided such child is under eighteen (18) years of age and that such dependent claimed has received more than one-half (1/2) the cost of support from the claimant during ninety (90) days (or for duration of relationship, if less) immediately preceding the claimant's benefit year beginning date, but only if such dependent who is the lawful husband or wife is unemployed and currently ineligible for Indiana benefits because of insufficient base period wages. The number and status of dependents shall be determined as of the beginning of the claimant's benefit period and shall not be changed during that benefit period.

With respect to initial claims filed for any week beginning on and after July 6, 1980, the term "dependent" shall include a person with a disability over eighteen (18) years of age who is a child of the

claimant and who receives more than one-half (1/2) the cost of his support from the claimant during the ninety (90) day period immediately preceding the claimant's benefit year beginning date. "Child" includes a natural child, an adopted child, a stepchild of claimant, if the stepchild is not receiving aid to dependent children under the welfare program, or a child placed in the claimant's home for adoption by an authorized placement agency or a court of law. The term "disabled" means an individual who by reason of physical or mental defect or infirmity, whether congenital or acquired by accident, injury, or disease, is totally or partially prevented from achieving the fullest attainable physical, social, economic, mental, and vocational participation in the normal process of living.

For the purpose of this subsection, the term "dependent" includes a child for whom claimant is the court appointed legal guardian.

On and after July 6, 1980, and before July 7, 1991, if the weekly benefit amount is less than forty dollars (\$40), the board, through the commissioner, shall pay benefits at the rate of forty dollars (\$40) per week. On and after July 7, 1991, if the weekly benefit amount is less than fifty dollars (\$50), the board, through the commissioner, shall pay benefits at the rate of fifty dollars (\$50) per week. If such weekly benefit amount is not a multiple of one dollar (\$1), it shall be computed to the next lower multiple of one dollar (\$1).

(b) Each eligible individual who is partially or part-totally unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount, less his deductible income, if any, for such week. If such partial benefit is not a multiple of one dollar (\$1), it shall be computed to the next lower multiple of one dollar (\$1). Except for an individual who is totally unemployed, an individual who is not partially or part-totally unemployed is not eligible for any benefit. The board may prescribe rules governing the payment of such partial benefits, and may provide, with respect to individuals whose earnings cannot reasonably be computed on a weekly basis, that such benefits may be computed and paid on other than a weekly basis; however, such rules shall secure results reasonably equivalent to those provided in the analogous provisions of this section.

(c) The weekly extended benefit amount payable to an individual for a week of total unemployment in the individual's eligibility period shall be an amount equal to the weekly benefit amount payable to the individual during the individual's applicable benefit period, prior to any reduction of such weekly benefit amount.

(d) With respect to initial claims filed for any week beginning on and after July 7, 1991, and before July 1, 1995, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

- (1) five percent (5%) of the first one thousand dollars (\$1,000) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and

(2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

However, the weekly benefit amount may not exceed the amount specified in subsections (e) through (i).

(e) With respect to initial claims filed for any week beginning on and after July 7, 1991, and before July 5, 1992, the weekly benefit amount may not exceed:

- (1) one hundred sixteen dollars (\$116) if the eligible and qualified individual has no dependents;
- (2) one hundred thirty-four dollars (\$134) if the eligible and qualified individual has one (1) dependent;
- (3) one hundred fifty-three dollars (\$153) if the eligible and qualified individual has two (2) dependents; or
- (4) one hundred seventy-one dollars (\$171) if the eligible and qualified individual has three (3) or more dependents.

(f) With respect to initial claims filed for any week beginning on and after July 5, 1992, and before July 4, 1993, the weekly benefit amount may not exceed:

- (1) one hundred forty dollars (\$140) if the eligible and qualified individual has no dependents;
- (2) one hundred sixty dollars (\$160) if the eligible and qualified individual has one (1) dependent; or
- (3) one hundred eighty-one dollars (\$181) if the eligible and qualified individual has two (2) or more dependents.

(g) With respect to initial claims filed for any week beginning on and after July 4, 1993, and before July 3, 1994, the weekly benefit amount may not exceed:

- (1) one hundred seventy dollars (\$170) if the eligible and qualified individual has no dependents; or
- (2) one hundred ninety-two dollars (\$192) if the eligible and qualified individual has one (1) or more dependents.

(h) With respect to initial claims filed for any week beginning on or after July 3, 1994, and before July 1, 1995, the weekly benefit amount may not exceed two hundred two dollars (\$202).

(i) With respect to initial claims filed for any week on or after July 1, 1995, the weekly benefit amount will equal the amount that results from applying the percentages provided in subsections (j) through (k) to the applicable maximum wage credits under IC 22-4-4-3.

(j) With respect to initial claims filed for any week beginning on and after July 1, 1995, and before July 1, 1997, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

- (1) five percent (5%) of the first one thousand seven hundred fifty dollars (\$1,750) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and
- (2) four percent (4%) of the individual's remaining wage credits

in the calendar quarter during the individual's base period in which the wage credits were highest.

However, the weekly benefit amount may not exceed the amount specified in subsection (i).

(k) With respect to initial claims filed for any week beginning on and after July 1, 1997, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

(1) five percent (5%) of the first two thousand dollars (\$2,000) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and

(2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

(Formerly: Acts 1947, c.208, s.1202; Acts 1951, c.307, s.2; Acts 1955, c.274, s.1; Acts 1957, c.294, s.2; Acts 1959, c.97, s.2; Acts 1965, c.190, s.7; Acts 1967, c.310, s.16; Acts 1971, P.L.355, SEC.26; Acts 1973, P.L.240, SEC.1; Acts 1974, P.L.110, SEC.1.) As amended by Acts 1976, P.L.114, SEC.3; Acts 1977, P.L.262, SEC.21; Acts 1980, P.L.158, SEC.2; P.L.129-1984, SEC.1; P.L.34-1985, SEC.5; P.L.18-1987, SEC.39; P.L.171-1991, SEC.3; P.L.1-1992, SEC.109; P.L.23-1993, SEC.129; P.L.202-1993, SEC.5; P.L.1-1994, SEC.113; P.L.21-1995, SEC.75; P.L.166-1996, SEC.1; P.L.259-1997(ss), SEC.4; P.L.235-1999, SEC.10.

IC 22-4-12-2.1

"Dependent" defined

Sec. 2.1. For the purposes of section 2(a) of this chapter and with respect to initial claims filed for any week beginning on and after July 5, 1987, "dependent" includes a person who:

- (1) is a child, adopted child, or stepchild of the claimant;
- (2) is at least eighteen (18) years of age and less than twenty-three (23) years of age;
- (3) is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; and
- (4) receives more than one-half (1/2) of the cost of the person's support from the claimant during the ninety (90) day period immediately preceding the beginning date of the claimant's benefit year.

As added by P.L.242-1987, SEC.1.

IC 22-4-12-3

Amount; inability to work; unavailable for work

Sec. 3. The weekly benefit amount of any otherwise eligible individual shall be reduced by one-third (1/3) thereof, computed to the next lower multiple of one dollar (\$1.00), for each normal work day during which such individual is unable to work or is unavailable for work.

(Formerly: Acts 1947, c.208, s.1203.) As amended by P.L.227-1983, SEC.6.

IC 22-4-12-4

Computation; maximum amount

Sec. 4. (a) Benefits shall be computed upon the basis of wage credits of an individual in his base period. Wage credits shall be reported by the employer and credited to the individual in the manner prescribed by the board. With respect to initial claims filed for any week beginning on and after July 4, 1959, and before July 7, 1991, the maximum total amount of benefits payable to any eligible individual during any benefit period shall not exceed twenty-six (26) times his weekly benefit, or twenty-five percent (25%) of his wage credits with respect to his base period, whichever is the lesser. With respect to initial claims filed for any week beginning on and after July 7, 1991, the maximum total amount of benefits payable to any eligible individual during any benefit period shall not exceed twenty-six (26) times the individual's weekly benefit, or twenty-eight percent (28%) of the individual's wage credits with respect to the individual's base period, whichever is less. If such maximum total amount of benefits is not a multiple of one dollar (\$1), it shall be computed to the next lower multiple of one dollar (\$1).

(b) The total extended benefit amount payable to any eligible individual with respect to his applicable benefit period shall be fifty percent (50%) of the total amount of regular benefits (including dependents' allowances) which were payable to him under this article in the applicable benefit year, or thirteen (13) times the weekly benefit amount (including dependents' allowances) which was payable to him under this article for a week of total unemployment in the applicable benefit year, whichever is the lesser amount.

(c) This subsection applies to individuals who file a disaster unemployment claim or a state unemployment insurance claim after June 1, 1990, and before June 2, 1991, or during another time specified in another state statute. An individual is entitled to thirteen (13) weeks of additional benefits, as originally determined, if:

- (1) the individual has established:
 - (A) a disaster unemployment claim under the Stafford Disaster Relief and Emergency Assistance Act; or
 - (B) a state unemployment insurance claim as a direct result of a major disaster;
- (2) all regular benefits and all disaster unemployment assistance benefits:
 - (A) have been exhausted by the individual; or
 - (B) are no longer payable to the individual due to the expiration of the disaster assistance period; and
- (3) the individual remains unemployed as a direct result of the disaster.

(Formerly: Acts 1947, c.208, s.1204; Acts 1959, c.97, s.3; Acts 1967, c.310, s.17; Acts 1971, P.L.355, SEC.27.) As amended by P.L.171-1991, SEC.4; P.L.172-1991, SEC.2; P.L.1-1992, SEC.110.

IC 22-4-12-5**Part-time worker**

Sec. 5. (a) As used in this section, the term "part-time worker" means an individual whose normal work is in an occupation in which his services are not required for the customary scheduled full-time hours prevailing in the establishment in which he is employed, or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which he is employed.

(b) The board may prescribe rules applicable to part-time workers for determining their weekly benefit amount and the wage credits required to qualify such individuals for benefits. Such rules shall, with respect to such individuals, supersede any inconsistent provisions of this article, but, so far as practicable, shall secure results reasonably equivalent to those provided in the analogous provisions of this article.

(Formerly: Acts 1947, c.208, s.1205.) As amended by P.L.144-1986, SEC.102.